

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 14769 of 2007(G)

PETITIONERS:

1. ALL KERALA ROCK CRUSHER OWNERS' ASSOCIATION, REPRESENTED BY ITS PRESIDENT K. SIVASANKARA PILLAI, M.C.NO.VI/1199/663A BSNL TOWER LANE, NEAR NAIR'S HOSPITAL, ASRAMAM NORTH, KADAPPAKKADA P.O., KOLLAM.
2. M. SHAMSUDEEN, THENGUVILA VEEDU, MYLAKKAD P.O., KOTTIYAM, KOLLAM.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO THE INDUSTRIES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE CHIEF ENGINEER, THE KERALA STATE TRANSPORT PROJECT (KSTP) THIRUVANANTHAPURAM.
3. THE KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O., THIRUVANANTHAPURAM-695 004.
4. THE DIRECTOR OF MINING AND GEOLOGY THIRUVANANTHAPURAM.
5. THE R D O, KOLLAM.
6. THE SENIOR GEOLOGIST, KOLLAM.

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7. THE SECRETARY, ELAMAD GRAMA
PANCHAYAT, ELAMAD P.O., KOLLAM.

8. M/S.PATI BEL.INDIA J.V., THIRUVALLA.

9. M/S.PATI BEL. J.V.,
CHADAYAMANGALAM, KOLLAM.

10. CHACKO, PUTHUSSERY HOUSE,
AYIKKARAKKONAM, PUNALUR.

BY SR. GOVT. PLEADER SRI.K.J.MOHAMMED ANZAR for R1,R2.R4 to R6
BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC, PCB for R3
SRI.K.SUBASH CHANDRA BOSE for R8 & R9
SRI.JOY GEORGE for R10
SMT.PRAICY JOSEPH
SRI.V.RAJASEKHARAN PILLAI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE CONSENT DTD. 4/11/2003 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXT.P2: COPY OF THE REPRESENTATION DTD. 24/04/2007 SUBMITTED BY THE 1ST PETITIONER BEFORE THE HON'BLE CHIEF MINISTER.
- EXT.P3: COPY OF THE REPRESENTATION DTD.2/5/2007 SUBMITTED BY THE 1ST PETITIONER BEFORE THE SECRETARY TO THE INDUSTRIES DEPARTMENT & OTHERS.
- EXT.P4: COPY OF THE CASH MEMORANDUM DTD. 7/06/2007 ISSUED BY THE 10TH RESPONDENT.
- EXT.P5: COPY OF THE CASH MEMORANDUM DTD. 8/06/2007 ISSUED BY THE 10TH RESPONDENT.
- EXT.P6: COPY OF THE CASH MEMORANDUM DTD. /06/2007 ISSUED BY THE 10TH RESPONDENT.

/TRUE COPY/

P.S.TO JUDGE

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PIUS C. KURIAKOSE, J.

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W.P.(C)No.14769 OF 2007
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DATED THIS THE 7TH NOVEMBER, 2007

J U D G M E N T

I do not propose to go into the merits of the grounds raised. But since Ext.P3 representation, though not a statutory representation, is seen pending before the 1st respondent-Government, it is only appropriate that the Government takes a decision on Ext.P3. The Writ Petition will stand disposed of issuing the following directions:-

The 1st respondent will take up Ext.P3, hear a representative of the 1st petitioner and respondents 8 and 9 and anybody else who, according to the Government, will be concerned in the matter and take a correct decision on Ext.P3. Decision as directed above will be taken at the Government's earliest and at any rate within three months of receiving copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

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